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15
16 **IN THE UNITED STATES DISTRICT COURT**
17 **FOR THE DISTRICT OF NEVADA**

18 PEGGY COLLINS,

19 Plaintiff,

20 v.

21 C. R. BARD, INCORPORATED and BARD
22 PERIPHERAL VASCULAR, INCORPORATED,

23 Defendants.
24

Case No. 2:19-cv-01864-RFB-BNW

**STIPULATION TO EXTEND
DISCOVERY AND PRE-TRIAL
DEADLINES
(FIFTH REQUEST)**

25 Comes now, Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (“Bard”
26 or “Defendants”) and Plaintiff Peggy Collins (“Plaintiff”), by and through their undersigned
27 counsel of record, pursuant to LR IA 6-2, and hereby stipulate that the discovery deadlines
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1 are extended by sixty (60) days as detailed below. This Stipulation is entered into as a result
 2 of the Plaintiff's expert, Dr. Gurvan Blackman, M.D., unavailability for deposition.

3 On July 1, 2021, Casey Shpall sent an email to Cameron Dean and Anisha Mathew
 4 requesting available deposition dates for Dr. Blackman. On July 8, 2021, Ms. Shpall
 5 followed-up with a voice mail to Anisha Mathew regarding available deposition dates for
 6 Dr. Blackman. Ms. Shpall again followed-up with emails on July 19 and July 21, 2021, to
 7 both Cameron Dean and Anisha Mathew, requesting available deposition dates for
 8 Dr. Blackman. Despite Bard's diligent efforts to set the deposition of Dr. Blackman, his
 9 unavailability makes it impossible to meet the current deadline of July 27, 2021 to depose
 10 Plaintiff's experts on their case-specific reports. Plaintiff's counsel has reached out to
 11 Dr. Blackman regarding the setting of this deposition but have not been able to secure dates
 12 due to his involvement in his clinical practice and his role as an expert witness in other
 13 litigation. His multiple roles as a clinician makes it difficult to set a deposition date prior to
 14 the deadline and especially with the surge of patients brought on through the COVID-19
 15 pandemic.

16 Pursuant to Federal Rules of Civil Procedure 6(b) and 26, and the Court's inherent
 17 authority and discretion to manage its own docket, this Court has the authority to grant the
 18 requested extension. Fed. R. Civ. P. 6(b) ("When an act may or must be done within a
 19 specified time the court may, for good cause, extend the time . . ."). Furthermore, Federal
 20 Rule of Civil Procedure 26(c) and (d) vests the Court with authority to limit the scope of
 21 discovery or control its sequence. *Crawford-El v. Britton*, 523 U.S. 574, 598 (1998)
 22 ("Rule 26 vests the trial judge with broad discretion to tailor discovery narrowly and to dictate
 23 the sequence of discovery.").

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This Court therefore has broad discretion to extend deadlines or stay proceedings as incidental to its power to control its own docket. *Bacon v. Reyes*, 2013 U.S. Dist. LEXIS 143300, at *4 (D. Nev. Oct. 3, 2013) (*citing*, *Munoz-Santana v. U.S. I.N.S.*, 742 F.2d 561, 562 (9th Cir. 1984)) (“Whether to grant a stay is within the discretion of the court”); *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005) (“A district court has discretionary power to stay proceedings in its own court.”). The exercise of this discretion is particularly appropriate where, as here, such action would promote judicial economy and efficiency. *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”).

For the foregoing reasons, the Parties stipulate and request that this Court modify the Stipulated Discovery Plan and Scheduling Order, Dkt. 44, as follows:

PROPOSED DATE	DEADLINE
March 13, 2021	Close of case-specific fact discovery.
May 28, 2021	Parties shall produce case-specific expert reports.
June 28, 2021	Parties shall produce any case-specific rebuttal expert reports.
September 27, 2021	Deadline to depose Plaintiff’s experts on their case-specific reports.
October 19, 2021	Deadline to depose Defendants’ experts on their case-specific reports.
December 7, 2021	Deadline to file Daubert motions and other dispositive motions.

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1 **IT IS SO STIPULATED.**

2 Dated this 27th day of July 2021.

3 MARTIN BAUGHMAN, PLLC

GREENBERG TRAURIG, LLP

4 By: /s/ Ben C. Martin

By: /s/ Eric W. Swanis

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14 ***Counsel for Plaintiff***

15 ***Counsel for Defendants***

16 **ORDER**

17 **IT IS SO ORDERED.**

18 Dated July 29, 2021.

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20 **BRENDA WEKSLER**

21 **United States Magistrate Judge**